



**CITY OF SUNNYVALE
REPORT
Planning Commission**

October 10, 2005

SUBJECT: **2005-0622 - Centex Homes** [Applicant] **Dubrovnik Properties LLC** [Owner]: Application for related proposals on a 4.8-acre site (Oasis Mobile Home Manor) located at **610 Alberta Avenue** (near Hollenbeck Ave) in an RMH (Residential Mobile Home) Zoning District:

Resolution **GPA** from RMH (Residential Mobile Home Park) to RLM (Residential Low Medium)

Introduction of an Ordinance **Rezone** from MHP (Mobile Home Park) to R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District,

Motion **Special Development Permit** to allow 55 single-family homes, and

Motion **Tentative Map** to subdivide one lot into 55 lots and one common lot.

REPORT IN BRIEF

Existing Site Conditions Mobile home park under conversion

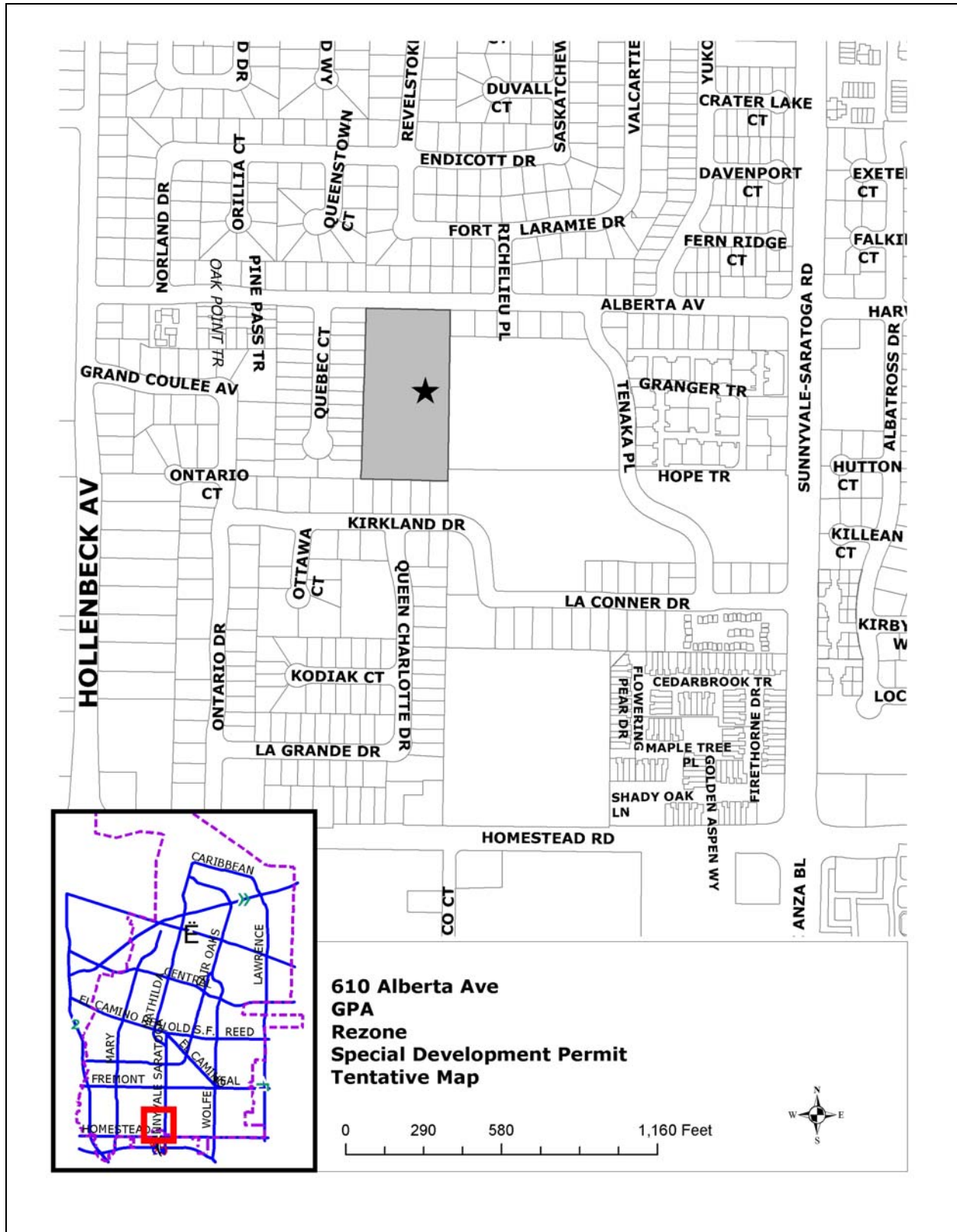
Surrounding Land Uses

North	Duplexes across Alberta Ave.
South	Apartments
East	Apartments
West	Apartments

Issues Site Planning (parking and sidewalks), Architecture, Floor Area Ratio

Environmental Status A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with conditions reducing FAR by reducing project by two units to create more guest parking spaces.



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Mobile Home	Low-Medium Density Residential	Under consideration
Zoning District	Mobile Home Park	R-2/PD (Low Medium Density Residential)/Planned Development	Under consideration
Lot Size (s.f.)	217,800 (approx. 4.77 acres)	Approx. 3,080 – 4,800	Under consideration. Average 3,600 with PD Zoning.
Lot Coverage (%)	N/A	Approx. 37%	40% max.
Floor Area Ratio (FAR)	N/A	59.8%	45% max. without PC review
No. of Units	68 mobile home spaces	55 single-family homes	57 max.
Density (units/acre)	14	11	12 max.
Meets 75% min?	N/A	11	9 min.
Bedrooms/Unit	N/A	3-4	N/A
Unit Sizes (s.f.)	N/A	2,230-2,288	N/A
Building Height (ft.)	N/A	Up 24 ft. – 27 ft.	30 ft. max.
No. of Stories	N/A	2	2 max.
Setbacks For Project Boundaries (First/Second Facing Property)			
★ Front (facing Alberta Ave.)	unknown	13-20	20/25 min.
★ Left Side (facing property from Alberta Ave.)	unknown	11-18	4 min.
★ Right Side	unknown	11-18	4 min.
★ Rear (south property line)	unknown	11-18	20 min.

Setbacks For Individual Homes Along Private Street (First/Second Facing Property)			
★ Front	unknown	3 - 18	20/25 min.
★ Left Side	unknown	2.5 (lots 44 & 46 where parking in notched out) – 4/16	4/7 min.
★ Right Side	unknown	6- 8/6-10	4/7 min.
★ Rear	unknown	11-18	20 min.
Landscaping (sq. ft.)			
Total Landscaping	N/A	76,415 s.f.	46, 750 s.f. min.
Landscaping/Unit	N/A	1,000 s.f. average	850 s.f. min.
Usable Open Space/Unit	N/A	400-450 s.f. per d.u.	500 s.f. per d.u. min.
Parking			
Total Spaces	N/A	234	220 min.
Covered Spaces	N/A	110	110 min.
Driveway Spaces	N/A	110	110 min.
Stormwater			
Impervious Surface Area (s.f.)	202,000	123,238	N/A
Impervious Surface (%)	92%	56%	N/A

Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The project site is an existing mobile home park. A Conversion Impact Report was previously approved by the City Council to put a plan in place for relocation of the existing mobile home park tenants. The relocation plan is not up for consideration as part of this application.

The project application is for site and architectural plans for a 55 unit single-family detached residential neighborhood. The dwelling units would be two-stories on individual lots. A loop street provides access through the proposed neighborhood.

The project includes a General Plan Amendment to change the designation from Residential-Mobile Home Park to Low-Medium Density Residential. A related rezoning action is requested to change the zoning from Mobile Home Park to R-2 (Low Medium Density Residential) Zoning District. Approval of a Special Development Permit for site and architectural review is included with this project as well as the related Tentative Map for 55 single-family lots and one common lot for the private street.

If the application is not approved, the site would remain with a general plan designation and zoning designation for a mobile home park.

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2005-0005	General Plan Amendment Initiation	City Council/ Initiated	02/15/05
2005-0444	Mobile Home Conversion Impact Report Consideration	City Council/ Approved	06/14/05

At a public hearing on February 15, 2005, the City Council initiated a study for a General Plan Amendment. Minutes from that hearing are located in Attachment E. The Council decision was to direct staff to review projects for a range of densities as requested by the applicant at the hearing, for projects ranging from Low-Medium Density Residential (7-14 Dwelling units per acre) to Medium Density Residential (up to 24 dwelling units per acre) with limited related rezoning applications to R-2 and R-3 Zoning Districts to create BMR units. Staff was also directed in the motion to explore other opportunities for affordable housing to low and very low income households (below BMR), and explore projects that give priority of housing units to the existing residents. It was stated in the City Council motion that the City is looking for ways to mitigate impacts to the mobile home park residents.

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

General Plan Amendment

Change under Consideration: Mobile Home Park designation to Low Medium Density Residential.

Rezoning

Change under Consideration: Mobile Home Park designation to R-2 (Low-Medium Density Residential)

Discussion of General Plan Amendment and Rezoning Options:

The Mobile Home Park land use designation in the General Plan was created to discourage the conversion of several functioning mobile home parks to other uses, since mobile home parks have traditionally provided low-to-moderate income housing for Sunnyvale residents. The zoning district that implements this General Plan designation is the R-MH, Residential-Mobile Home Zoning District. It allows up to 12 dwelling units per acre. The R-MH Zoning District also allows single-family or duplex dwelling units but only if they are used by the mobile home park owner or operator. Approximately 6% (3,500 units) of housing units available in the City are mobile homes.

Since creation of the mobile home park designation there have been three mobile home park conversions in the City.

1. Mobile Manor on Fair Oaks Avenue south of 101 that resulted in the displacement of 60 mobile homes spaces to allow for 230 condominium units in an R4/PD Zoning District.
2. Deluxe Mobile Home Park on Weddell Drive at Borregas Avenue where 30 mobile home spaces were converted into a 194 unit Single Room Occupancy apartment complex in an R-5 Zoning District.
3. Ferndale Mobile Home Park was on Borregas Avenue south of 101 and resulted in the displacement of 41 mobile home spaces to allow 22 new single family homes in an R-1.7/PD Zoning District.

The 4.77 acre Oasis Mobile Home Manor is located on the south side of Alberta Avenue between Sunnyvale-Saratoga Road and Hollenbeck Avenue. The area around the park is a mix of residential uses and zoning districts. North of the project on the north side of Alberta Avenue are duplexes that are zoned R-2 (Low-Medium Density Residential/12 units per acre). On the same side of Alberta Avenue as the project, on the west, east and south sides of the project site, the zoning is primarily R-3 (Medium Density Residential).

The applicant has requested that the City Council approve a General Plan amendment that would allow them to construct a project that would fall within the range of Low-Medium Density.

If the site is designated Low-Medium Density Residential it would allow a range between 33 and 66 dwelling units with the potential zoning designations of R-1.5, R-1.7/PD and R-2. All of these designations allow small lot single-family homes. No BMR units are required for R-1.5 or R-1.7/PD. The Council direction was to consider projects that would provide BMR units.

Another alternative to the requested General Plan Amendment and Rezoning is to consider designating the site for Medium Density Residential as stated in Council's direction. Medium density would most likely result in a townhouse project in today's market. The density of up to 24 units per acre could be achieved with a 75% density of approximately 18-19 units per acre. The parking requirement would be two garage spaces and .5 guest spaces per three bedroom unit as opposed to two garage spaces and two driveway spaces per unit for single-family detached housing. This density would result in a significantly different project. The applicant has expressed the goal of only building detached homes. If the Commission believes that a higher density project would achieve a better site plan and is best suited for this location, the Commission can recommend denial of the project.

A third alternative is to consider a mix of general plan and zoning on the site. Staff and the applicant evaluated a project with mixed zoning that included low income units. This concept was discouraged by staff (see discussion below).

Discussion of General Plan Amendment and Rezoning Proposal: The requested rezoning for an R-2/PD designation would allow residential development of up to 12 units per acre.

Low Income Units Considered: In previous plans submitted for staff comments the applicant had included 12 low-income apartments as part of the project in order to address the City Council's direction to explore other opportunities for affordable housing to low and very low income households and to potentially give priority for these units to residents of Oasis Mobile Manor. The applicant proposed these units in lieu of standard BMR units.

The Housing Officer reviewed a pro-forma for the low income units and concluded from the preliminary information, as well as information in the approved mobile home Conversion Impact Report, that these units would not meet low enough rent levels to provide prospective new housing for the Oasis residents.

The proposed low-income apartments did not meet the code requirement that BMR units shall not be distinguished by interior or exterior design, amenities,

construction, or materials. There is no Sunnyvale code provision that allows the Director of Community Development, Housing Officer, Planning Commission or City Council to waive the requirements for BMRs. A BMR in-lieu fee can be accepted only for projects under 20 units.

Staff encouraged the applicant to abandon the concept for low income units as the proposal would not meet Council's objectives for the Oasis residents and directed the applicant instead to provide standard BMR units.

EXISTING POLICY RELATED TO GENERAL PLAN AMENDMENT AND REZONING

The following General Plan Goals and Policies are related to this request for a General Plan Amendment and Rezoning:

Land Use and Transportation Element:

Goal C2: Ensure Ownership and rental housing options in terms of style, size and density that are appropriate and contribute positively to the surrounding area.

Policy C2.1: Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age, groups and special needs sufficient opportunities and choices for locating in the community.

Housing and Community Revitalization Sub-Element

Goal A: Foster the expansion of housing supply to provide greater opportunities for current and future residents within limits imposed by environmental, social, fiscal and land use constraints.

Goal D: Maintain diversity in tenure, type, size, and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.

Policy D.5: Preserve mobile homes as an affordable housing option.

Policy D.5.a: *Maintain land zoned for mobile home parks.*

Policy D.5.b: *Continue to provide an equitable process with reasonable mitigation measures in the event of conversion of mobile home parks to a different use.*

Staff considers the proposed change in General Plan and Zoning designations appropriate. The resulting density of approximately 12 units per acre is the same as for a mobile home park. The existing mobile home park is closing. There are adequate mobile home park sites still available in Sunnyvale. There is no current demand to construct new mobile home parks.

Special Development Permit

The Special Development Permit is requested to allow a project consisting of 55 single-family dwelling units on small lots with access provided by a private street. The proposed floor area ratio (FAR) is 59.8%. A special development is needed to allow for exceptions to zoning code development standards.

Site Layout: The proposed 55 unit project is designed around a private loop street. There would be three units that face directly onto Alberta Avenue.

The following Guidelines were considered in analysis of the project site design.

Single-Family Home Design Techniques	Comments
<i>Respect neighborhood home orientation and setback patterns.</i>	The proposed homes along Alberta demonstrate the same orientation towards the street as the existing neighborhood.
<i>Design garages and driveways to be compatible with the neighborhood.</i>	The neighborhood has predominantly front garages.

Architecture: The applicant has proposed three different home models. All would be two-story, and each model would have two different front elevation designs available to provide the appearance of six different unit designs. The applicant proposes to make use of stucco, horizontal siding and vertical siding as well as substantial trim around windows and architectural elements. All elevations would have a minimum of two siding materials. Some front elevations would make use of three materials to add variety to the streetscape. The general flavor of the architecture is contemporary tract-style with trim and front feature elements (like columned porches) of the Craftsmen style.

The following Guidelines were considered in the analysis of the project architecture.

Single-Family Home Design Techniques	Comments
<i>Do not locate garages forward of other habitable portions of the house unless that is the predominant pattern in the neighborhood.</i>	Proposed garages are located behind the front elevation of the porches and other habitable portions of the homes.
<i>Locate home entries so that they are visible from the street.</i>	Two of the three proposed home models have front doors facing the street. The third model has a side entry door but utilizes front porch columns and features to indicate the entry on the front elevation of the house.
<i>If a traditional second floor form is necessary, set the front, rear, and sides of the second floor back from first floor walls. In general, it is best to set second floor areas back as far from the front façade of the home (e.g. five feet or more). Side and rear façade setbacks of three to five feet are generally sufficient. Care should be given to avoiding second story bulk near the front of the home when similar bulk is absent from adjacent homes.</i>	Second stories are set back from the front façade where the porch posts and roof begin. The second story setback varies from 3-5 feet. The second story side yard setback is commonly shifted to one side where it typically meets the minimum 5-foot design technique. Only one elevation (Plan Three/Elevation A) has bulk near the front of the home on the second story, because, for variety, this elevation does not have a front porch.
<i>When designing homes, be mindful of the exterior appearance as well as the interior functions. Relate the location of windows on the second floors to those on the first floor. Alignment is not required, but placement should not appear haphazard.</i>	The front facades of the homes, including window placement and relationships, appear orderly.

Single-Family Home Design Techniques	Comments
<i>Consider the use of more than one wall material to separate first and second floor building elements. Lighter appearing materials should be used on upper floors while heavy materials (e.g. stone) are appropriate for the ground floor. Alternatively, subtle changes of color between ground and second floor areas can reduce the visual bulk of homes so long as the color changes are made at trim pieces or other natural dividing lines between the floors.</i>	The applicant proposes to make use of at least two materials on each elevation. The front elevations often make use of three materials. Color and material changes take place at logical locations on each elevation.

Landscaping: There is no landscaping requirement for single-family homes. The applicant is proposing to landscape the front yards of all units including a pattern of private street trees.

The site currently has two protected trees on site. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. From the proposed site plan, it appears that both of these trees can be saved. One is a Coast Live Oak and one is a Magnolia tree. No age or value is available at this time. If the trees can not be saved, multiple trees comprising a comparable value will be required to be planted on site. In that case, the City's arborist will determine the location and species of appropriate replacement trees.

Parking/Circulation: The proposed single-family homes are required to have two garage spaces and two driveway spaces. There is no requirement for additional guest parking spaces; however, the applicant has provided 14 additional parallel parking spaces along the private street. The units along Alberta Avenue would have the equivalent of 7 parking spaces on the public street.

Stormwater Management: The applicant is required to provide post-construction stormwater management for the project. A stormwater management plan has been submitted that includes post-construction treatment utilizing a combination of on-site retention for individual lots and a curb swale/infiltration trench system in the private street. Runoff from each individual roof will be conveyed to an infiltration or microdetention area (depressions) at the front of each lot by piping the runoff from the downspout to a bubble-drainage emitter. Runoff from the driveways and the street will flow into a below-ground infiltration trench through a pervious gutter in the street that consists of a 4-foot wide strip of interlocking pavers. A third party

certification is required for the stormwater management plan prior to issuance of building permits for the project.

Easements and Undergrounding: The applicant is required to underground all boundary and street utility lines. The private street will be recorded as an easement for vehicle access to all properties within the project.

Compliance with Development Standards/Guidelines: The applicant has requested a number of exceptions to code required development standards and the Council-adopted small lot guidelines.

Floor Area Ratio: The applicant proposes an overall project FAR of 59.8% based on the entire 4.7 acre site. The Council-adopted small lot guidelines state that projects with lots 4,200 square feet or smaller should maintain an overall project (including interior private drives and streets) floor area ratio (FAR) of 50%. Due to the sidewalk design and the desire to provide reasonable guest parking along the street, staff is recommending a change to the project to reduce the unit count by two (from 55 to 53) which reduces the overall FAR to 57% and creates space within the project to add guest parking. It is likely that the proposed guest spaces at the south end of the project on the end of the loop road (adjacent to lots 44 and 46), as well as others around the interior block, will need to be removed in order to improve the pedestrian way. Staff believes these can be regained elsewhere in the project if the unit count is reduced.

In comparison, three recent small-lot single-family home projects of the same R-2 Zoning District have been approved with the following FARs:

• Classics at Sunnyvale Nursery	58%	2,028 avg. s.f.
• Classics at Mary and Washington	50%	2,123 avg. s.f.
• Riding Group at Iowa and Mary	55.6%	2,162 avg. s.f.
• Proposed Project	59.8%	2,276 avg. s.f.

Setbacks: The applicant has requested exceptions to the setback regulations for all sides of each home. The table in Attachment H has been provided by the applicant to show the setbacks for each lot and the averages for the project.

The front yard setbacks have been reduced to allow for better useable rear yard areas. Where on-street parking has been notched out the front yard setback can be as little as three feet between the parking space and the support post to the front porch. The applicant's table expresses the front setback to the wall of the front door as opposed to the porch. The average front yard setback is 15.9 feet where 20 feet is required by the code. All driveways are a minimum of 18 feet in depth, where 20 feet is standard.

The rear yard setbacks average 14.2 feet. The house models all have some “bump out” into the rear yard space with some as close as 9.7 feet to the rear property line. The setback for the larger useable area in each rear yard is a minimum of 15 feet, which has been previously approved in similar projects.

The first floor side yard setbacks are based on the principle that each homeowner will have an open easement to the wall of the neighbor’s house on one side even though the formal property line will be located approximately midway between each house. The minimum side yard setback for all lots is proposed to be 4 feet (except it is 2.5 feet for lots 44 and 46 where guest parking is proposed). The total side yard setback for each unit ranges from 8 to 13 feet. On most lots it is 10 feet total. The code requires a total of 12 feet for both side yards. As stated, the actual useable side yard will be approximately 4 feet wider due to the easement onto the neighboring lot.

The second floor side yard setbacks are required to be an additional three feet on each side when compared to the first floor setbacks for a total of 18 feet. The applicant typically proposes a minimum setback of 6 feet where 7 feet is required and a total of up to 16 feet where 18 feet is required.

Useable open space: The zoning code requires a minimum useable open space of 500 square feet per unit in the R-2 zoning district with a minimum dimension of 12 feet in any direction. The Council-adopted small lot guidelines recommend a total of 500 square feet with a minimum dimension of 15 feet in any one direction. The applicant proposes useable rear yards areas of approximately 400-450 square feet for each unit. There is other yard area that provides landscape and patio space on the sides of each house that can be considered desirable and useable, but these spaces do not meet the policy that calls for a minimum dimension of 15 feet.

Private Street and Sidewalk: The municipal code requires that all homes front on a public street. With the PD combining district, the City can consider an exception through the SDP review process. The applicant proposes to front 52 units of the project onto a private loop street. Private streets are common in small-lot developments.

The proposed private street profile is for a 20 foot wide drive aisle. The street would have 30 foot turning radii at the loop. The street meets standards for emergency and solid waste vehicles.

Within the 20 foot street, and *not* within the front yards, the applicant proposes a pedestrian path that is to function in place of a standard sidewalk. This 4-foot wide path would be delineated with pavers and would also function as the stormwater infiltration system for the project with a collection system beneath it. The pedestrian path would be delineated around the interior block of

houses and would travel around the end-of-block loop. It would be continuous around the project. The sidewalk design reviewed by the Planning Commission at the study session was located behind the street curb and guest parking, within the front setback areas of the homes.

The applicant believed the front yard areas were being “squeezed” too much by the combination of parking and sidewalk and proposed the alternative in the interim period since the study session. The proposed design is a new alternative that has not been considered or approved in previous projects.

In order for the design to function well as a safe pedestrian lane and as qualified handicap access the street would need to be widened by 4.5 feet. This would move the proposed pedestrian path clearly out of the vehicle travel way. As currently designed it shares the 20 foot vehicle way. The pedestrian path would have to be delineated with raised truncated domes and a white stripe. In order to add the 4.5 feet approximately 2 +/- feet would need to come out of either the front or rear yards of the homes on each side of the street, thereby reducing the yard along the streetscape or reducing the useable open space. Guest parking would have to be eliminated from the interior block in order to reduce the front yard setbacks. The design of the pedestrian/stormwater feature would need to be designed to withstand the load of solid waste trucks and emergency service vehicles. Staff believes the proposed plan should be reduced by two units in order to find space to make up for the lost guest parking.

Staff considers the proposed design to be visually better along the streetscape than the sidewalks through the front yard setbacks. As stated, this design has not been utilized before in Sunnyvale, but could function on this type of private loop road with limited traffic.

Expected Impact on the Surroundings: If approved, the project would replace an existing mobile home park that has one-story buildings with a new neighborhood of 55 single-family two-story homes. A relocation assistance plan has already been approved by the City Council and is being implemented.

As a result of the development there will be a perceived impact to privacy where two-story homes replace single-story mobile home units and common buildings. There will be a visual change to the character of the site. The project site is adjacent to multi-family development on all three contiguous property lines.

Tentative Map

Description of Tentative Map: The tentative map application is to allow subdivision of the 4.7 acre site into 55 single family homes and one common

lot for vehicle access. The lots range in size from 3,080 s.f. to 4,800 s.f. Proposed density is 11 dwelling units per acre where 12 units per acre are allowed under the proposed R-2 Zoning District. Features of the map include the following:

- An easement will be required for the common lot for access, circulation and for stormwater management.
- Parking would not be allowed on the private street except in approved “notched out” parking spaces outside of the 20 foot street width.
- An eleven foot wide street dedication is required along Alberta Avenue as part of the map for street and sidewalk.
- As a condition of approval of the Tentative Map, all utilities will be required to be undergrounded.
- As proposed, the pedestrian path will be required to be recorded with an easement within the private street.

Fiscal Impact

The requested General Plan Amendment, Rezoning and development plan of ownership housing will result in increased property tax revenues. A development project on the site would also result in fees and taxes associated with the required Building Permits. The proposed project would be required to pay park dedication fees of approximately \$561,516. Transportation fees area also required of approximately \$25,037.

Public Contact

The applicant has held a number of neighborhood meetings with the mobile home park residents regarding the status of the park and the relocation efforts. The applicant has scheduled a neighborhood meeting with the surrounding neighborhood for the week prior to the City Council hearing on October 25, 2005.

Planning Commission Study Session: A Planning Commission study session was held about the proposed 55 unit project on September 12, 2005. The Commission commented on the high FAR and the need for a continuous sidewalk around the project. Positive comments were made about the architecture and about the efforts to include additional parking along the private street. Some concern was expressed about the reduced front setbacks where on-street parking was “notched out” along the private street.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • Approximately 1,400 notices mailed to the property owners and residents within 300 ft. of the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website • Recorded for SunDial

Conclusion

The City has policies in place to support a variety of housing types to meet the needs of residents in all income brackets. Staff considers the proposed project, as conditioned to be reduced by two units, to be appropriate and recommends that the Planning Commission determine that the proposed alternate type of ownership housing best contributes positively to the surrounding neighborhood.

Staff recommends approval of the project with modifications as discussed previously in this report. Denying the request for a General Plan amendment and the Rezoning will retain the Mobile Home general plan and zoning designation for the time being. Denying the application for the General Plan Amendment and the Rezoning will not allow the site to redevelop with other than a mobile home park. If market conditions were favorable a new mobile home park could be proposed.

The Commission could recommend approval of the General Plan Amendment and Rezoning but recommend denial of the Special Development Permit and Tentative Map if the Commission, in the absence of an acceptable plan, considers Low-Medium Density Residential and R-2 Zoning to be the best options for the site.

Alternatively, if the Planning Commission does not consider the proposed 55-unit, small-lot project to be of an appropriate design or density, the Commission may recommend denial of the entire application to the City Council until a project of an appropriate design and density can be presented and considered.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

Recommend that the City Council take the following action:

1. Adopt the Mitigated Negative Declaration. Adopt a resolution to amend the General Plan from Mobile Home Park to Low-Medium Density Residential. Introduce an Ordinance to Rezone 610 Alberta Avenue from Mobile Home Park to R-2/PD Zoning District. Approve the Special Development Permit and Tentative Map with attached conditions, which include reduction of the number of units to 53 in order to provide 14 guest parking spaces on site and a continuous pedestrian path.
2. Adopt the Mitigated Negative Declaration. Adopt a resolution to amend the General Plan from Mobile Home Park to Low-Medium Density Residential. Introduce an Ordinance to Rezone 610 Alberta Avenue from Mobile Home Park to R-2/PD Zoning District. Approve the Special Development Permit and Tentative Map with modified conditions.
3. Adopt the Mitigated Negative Declaration and do not adopt a resolution or introduce an ordinance and deny the Special Development Permit and the Tentative Map.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1 because the proposed General Plan Amendment and Rezoning with related development will result in a project of similar density as the existing mobile home park. The project will provide BMR units and will fit into the neighborhood as conditioned.

Prepared by:

Gerri Caruso
Project Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Minutes from the City Council hearing of February 15, 2005
- F. Draft General Plan Amendment Resolution
- G. Draft Rezoning Ordinance
- H. Applicant's Setback Table

Recommended Findings – General Plan Amendment and Rezoning

The amendment to the General Plan and Precise Zoning Plan may be approved upon finding that the amendment, as proposed, changed or modified is deemed to be in the public interest.

The following General Plan Goals and Policies are related to this request for a General Plan Amendment and Rezoning:

Land Use and Transportation Element:

Goal C2: *Ensure Ownership and rental housing options in terms of style, size and density that are appropriate and contribute positively to the surrounding area.*

Policy C2.1: *Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age, groups and special needs sufficient opportunities and choices for locating in the community.*

Housing and Community Revitalization Sub-Element

Goal A: *Foster the expansion of housing supply to provide greater opportunities for current and future residents within limits imposed by environmental, social, fiscal and land use constraints.*

Goal D: *Maintain diversity in tenure, type, size, and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.*

Policy D.5: *Preserve mobile homes as an affordable housing option.*

Policy D.5.a: *Maintain land zoned for mobile home parks.*

Policy D.5.b: *Continue to provide and equitable process with reasonable mitigation measures in the event of conversion of mobile home parks to a different use.*

The project meets the General Plan goals of providing a variety of housing types to current and future residents of Sunnyvale. The related Conversion Impact Report that was previously approved by the City Council and executed by the applicant has provided relocation and housing opportunities for the residents of the mobile home park. Site planning and architectural controls for the site are retained by the Planning Commission and City Council through the Special Development Permit process. The City continues to maintain significant areas zoned for mobile home parks. The proposed General Plan designation and Zoning designation are consistent with the surrounding neighborhood.

Required Tentative Map Findings

In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. If any of the following findings can be made, the Tentative Map must be denied.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Staff finds that the Tentative Map is in conformance with the General Plan. Staff was not able to make any of the findings (B.1-8), and recommends approval of the Tentative Map.

Recommended Findings – Special Development Permit

The Planning Commission or City Council may approve the Special Development Permit upon finding that the permit will either:

1. Attain the objectives and purposes of the General Plan; or
2. Ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

The following General Plan Goals and Policies are related to this request for a Special Development Permit:

Community Design Sub-Element :

Goal B: *Create an attractive street environment which will compliment private and public properties, and be comfortable for residents and visitors.*

Goal C: *Ensure that buildings and related site improvements for private development are well designed and compatible with surrounding properties and districts.*

The proposed site plan, as conditioned, meets zoning standards and community expectations for a Low-Medium Density Residential project consisting of small-lot single-family homes. The site is also isolated from the circulation system of the surrounding properties. Reasonable setbacks have been utilized to protect open space and privacy. The proposed houses meet the City's Single Family Design Guidelines. The overall neighborhood design is attractive for residents and pedestrians.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- B. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- C. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- E. Comply with all requirements of previously approved Mobile Home Conversion Impact Report (File No. 2005-0444).
- F. The project shall be reduced by two units to reduce the FAR to 57% and to accommodate on-site guest parking.
- G. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain necessary Development Permit from the Department of Public Works for all proposed off-site improvements.
- B. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.

3. BMR (BELOW MARKET RATE UNITS)

- A. Comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.
- B. The project will provide 7 Below Market Rate ownership dwelling units in compliance with SMC 19.66.
- C. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). (BMR Administrative Guidelines)
- D. Prior to issuance of a building permit, the developer shall execute a Development Agreement with the City to establish the units. The rental/sale price of the BMR unit(s) is established at the time of the execution of the Development Agreement. (BMR Administrative Guidelines)
- E. All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and shall reflect the range in numbers of bedrooms provided in the total project and shall not be distinguished by exterior design, construction or materials. (SMC 19.66.020(c))
- F. Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines)
- G. BMR rental units - Record a "Deed of Trust" Prior to Occupancy Permit. (BMR Administrative Guidelines)
- H. BMR Ownership Program - Developer and Buyer to execute "Addendum to Purchase Offer" prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)
- I. Ownership Units - Prior to Close of Escrow, a Deed of Trust between the City and the Buyer of the BMR unit shall be recorded to establish resale and occupancy restrictions for a 30-year period.
- J. The original sale price of BMR dwelling units shall comply with sales prices established by the City, which is revised annually. (SMC 19.66.040 (c))
- K. Below Market Rate dwelling units shall be offered for sale only to persons qualified under the terms described in SMC 19.66.040 and 19.66.050 and described more fully in the Administrative Guidelines. (BMR Rental Units / BMR Ownership Program)
- L. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.

- M. In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance. (SMC 19.66.140)
- N. In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. (BMR Administrative Guidelines)

4. CC&R's (CONDITIONS, COVENANTS AND RESTRICTIONS)

- A. Proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney
- B. The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to approval by the City Attorney and Director of Community Development prior to approval of the Final Map. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:
- C. Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- D. The homeowners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- E. The developer shall maintain all utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a homeowners association, following sale of at least 75% of the units, whichever comes first.
- F. The Conditions of Approval of this Special Development Permit and Tentative Map.
- G. The CC&Rs shall contain the following language:
- H. "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project,

thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each Lot in the Project.

- I. It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
- J. It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- K. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
- L. No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
- M. Third-Party Beneficiary. The rights of the City of Sunnyvale pursuant to this Article will be the rights of an intended third party beneficiary of a contract, as provided in Section 1559 of the California Civil Code, except that there will be no right of Declarant, the Association, or any Owner(s) to rescind the contract involved so as to defeat such rights of the City of Sunnyvale.

- N. Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property."
- O. Proposed CC&Rs shall contain language specifying limitations of use and maintenance of the easement between each home. No construction, accessory buildings, ponds, patios, decks or similar development may cross property lines and shall meet zoning and building code standards for building separation based on property lines.

5. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
- B. Roof material shall be 50-year dimensional composition shingle, or as approved by the Director of Community Development.

6. EXTERIOR EQUIPMENT

- A. Individual air conditioning units shall be screened behind property line fences.

7. FENCES

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- B. Such fences may extend along side property lines, but do not extend beyond the front line of the main building on each lot.
- C. The fence or wall shall not exceed three feet in height for a distance of 20 feet from the street right-of-way on Alberta Avenue or the Private Street.
- D. For front yard fences in residential areas, open decorative type fences, such as picket, post and rail are preferred.
- E. Chain link and barbed wire fences are not allowed.
- F. Install and maintain a 6 to 7 foot solid wood fence, measured from the highest adjoining grade, of a design approved by the Director of Community Development along adjacent properties to the west, east and south. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.

- G. Only fences, hedges and shrubs or other natural objects 3 feet or less in height may be located within a “vision triangle” (For definition, refer to SMC 19.12.040(16), SMC 19.12.050 (12))

8. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:
 - 1. Front yard landscaping for all units including street trees as required on Alberta Avenue and on the private street.
- B. Decorative paving as required by the Director of Community Development to distinguish the pedestrian path and common areas.
- C. Provide separate meter for domestic and irrigation water systems for common areas.
- D. A tree protection plan shall be submitted for any existing trees on the site. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.
- E. The landscape plan shall including street trees and shall be submitted and approved per the City Arborist.
- F. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- G. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- H. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- I. Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- J. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- K. Provide a fifteen-foot deep band of decorative paving for the width of the private street immediately behind the public sidewalk.

9. TREE PRESERVATION

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval.
- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
 - 1. An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
 - 2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
 - 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

10. LIGHTING

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
 - 1. Sodium vapor (of illumination with an equivalent energy savings).
 - 2. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project.
 - 3. Lights shall have shields to prevent glare onto adjacent residential properties.

11. PARKING

- A. Indicate all guest-parking spaces on plans. Such spaces shall be clearly designated prior to occupancy in a manner approved by the Director of Community Development.
- B. Garage spaces shall be maintained at all times so as to allow parking of two automobiles.
- C. All uncovered street parking spaces on the private street shall be reserved as guest parking spaces and shall be so designated prior to occupancy.
- D. All guest-parking spaces shall be reserved and designated for the exclusive use of guests and shall be so marked. No vehicle owned or operated by a resident shall be parked in a guest space.
- E. Submit a revised parking and circulation plan to the Director of Community Development for review and approval prior to issuance of a Building Permit.
- F. A total of 14 parking spaces on the private street shall be reserved for guest parking.

12. RECYCLING AND SOLID WASTE

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. If determined to be necessary, all toters shall be required to be stationed on the side of the street without the pedestrian path.
- C. Widen Alberta Avenue entrances to the private street to accommodate solid waste vehicles.

13. UNDERGROUND UTILITIES

- A. All proposed utilities shall be undergrounded.
- B. All above ground utilities on Alberta Avenue and along boundary property lines shall be undergrounded.
- C. Applicant shall provide a copy of an agreement with affected utility companies for undergrounding of existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a Building Permit or a deposit in an amount sufficient to cover the cost of undergrounding shall be made with the City.

14. MISCELLANEOUS

- A. Prior to commencement of new construction remove all debris, structures, area light poles, and paving from the site.

- B. Wood burning fire places are not permitted.

15. TENTATIVE MAP CONDITIONS

- A. Full development fees shall be paid for each project parcel or lot shown on the Final Tract Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.
- B. Comply with all applicable code requirements as noted in the Standard Development Requirements.
- C. Dedicate vehicle and pedestrian access easement on the private street prior to issuance of a Building Permit or Final Map
- D. Dedicate an 11 foot right-of-way easement on Alberta Avenue. Dedicate 20 foot street right-of-way to the City.
- E. Pay Traffic Impact fee estimated at \$25,037, prior to issuance of a Building Permit. (SMC 3.50)
- F. Pay Park In-lieu fees estimated at \$561,516, prior to approval of the Final Map or Parcel Map. (SMC 18.10)
- G. Dedicate and mark private streets as emergency vehicle ingress-egress easements.
- H. The private street, including stormwater/pedestrian path, shall be constructed to a standard to withstand the load of solid waste trucks (56,000 lbs) and emergency access vehicles.
- I. The common lot shall be assigned a private street name in accordance with the official Street Name System, as selected by the Community Development Department.
- J. Obtain a Development Permit from the Department of Public Works for improvements.
- K. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.
- L. Approval of detailed street improvements plan shall be obtained from Public Works and bonds posted prior to issuance of a Building Permit.
- M. Upgrade fire hydrant to Clow-Rich 75; salvage existing hydrant and return to the Public Works Department.
- N. Demolish existing buildings prior to recording the final map.

- O. Any existing deficient public improvements shall be upgraded to current City standards. Any existing public facilities not needed for the project shall be abandoned and capped per City standards.
- P. All applicable Public Works fees will be required.
- Q. As a minimum, a slurry seal surface will be required along entire Alberta Avenue street frontage to the centerline.
- R. Construct new sidewalk, curb and gutter along Alberta Avenue.
- S. Obtain an encroachment permit from the Public Works Department for all improvements in the public right-of-way.
- T. The developer is responsible for all changes or modifications to existing City utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vault relocations caused by the development.
- U. Execute a Subdivision Agreement and post surety bonds and/or cash deposits for all proposed public and private improvements prior to issuance of any permits.